Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Text

CONFIDENTIAL

PAGE 01 PARIS 27808 01 OF 02 221952Z

73
ACTION PM-04

INFO OCT-01 EUR-12 ISO-00 CIAE-00 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 ERDA-05

ACDA-07 OMB-01 /072 W
---------- 018691
R 221900Z SEP 76
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 5261
INFO DIA WASHDC
USNMR SHAPE
USDOCOSOUTH
COMSIXTHFLT
USCINCEUR
CTF SIX ZERO AT SEA
JCS WASHDC
USMISSION NATO
CNO WASHDC
CINCLANTFLT
CINCUSNAVEUR
SECDEF WASHDC
AMCONSUL NICE
AMCONSUL MARSEILLE

C O N F E D E N T I A L SECTION 1 OF 2 PARIS 27808

SHAPE FOR POLAD

E. O. 11652: XGDS-3, DECLASSIFY 12/31/96

TAGS: MARR, MNUC, FR

SUBJECT: FRENCH POSITION ON NUCLEAR POWERED WARSHIP
(NPW) VISITS

1. SUMMARY: QUAI POLITICAL DIRECTOR DELABOULAYE
CONVEYED FRENCH POSITION ON NPW VISITS TO DCM ON
SEPTEMBER 21. FRENCH HAVE DECIDED BILATERAL AGREE-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PARIS 27808 01 OF 02 221952Z

MENT WILL NOT BE NECESSARY. GOF BELIEVES IT WOULD BE

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

DIFFICULT TO CHANGE PRESENT FRENCH LEGISLATION. HOWEVER, GOF PREPARED TO ADJUST THE APPLICABLE DECREE PROVIDED US WILL UNILATERALLY SATISFY FRENCH LEGAL REQUIREMENTS RE NPW VISITS. ACTION REQUESTED: WASHINGTON GUIDANCE ON RESPONSE TO GOF. END SUMMARY.

2. ON SEPTEMBER 21 QUAI POLICICAL DIRECTOR DE LABUOLAYE INFORMED DCM OF GOF POSITION ON US NPW VISITS. DE LABOULAYE HANDED DCM FOLLOWING NON-PAPER (UNOFFICIAL TRANSLATION).).

BEGIN TEXT: TO SATISFY THE CONDITIONS FIXED BY THE LAW OF 12 NOVEMBER 1975, AS MODIFIED BY THE LAW OF 29 NOVEMBER 1968, THE US GOVERNMENT MUST AT THE VERY LEAST SUBSCRIBE TO THE FOLLOWING ENGAGEMENTS WITH A VIEW TOWARD THE ADMISSION OF NUCLEAR POWERED WARSHIPS INTO FRENCH WATERS.

1) FULL RESPONSIBILITY UNDER THE LAW FOR NUCLEAR ACCIDENTS, SUBJECT ONLY TO THE FOLLOWING EXCEPTIONS:

A) DAMAGES FUFFERED BY THE NUCLEAR POWERED WARSHIP, ITS GEAR OR EQUIPMENT, ITS REACTOR AND ITS PROVISIONS;

B) NUCLEAR DAMAGES ATTRIBUTABLE TO AN ACT OF CIVIL OR FOREIGN WAR, TO HOSTILITIES OR TO INSURRECTION;

C) NUCLEAR DAMAGES DUE TO THE INTENTIONAL FAULT OF THE VICTIM.

2) UNDERTAKE UNLIMITED LIABILITY.

3) RECOGNIZE THE JURISDICTION OF THE COURT OF MAJOR PROCEEDINGS (TRIBUNAL DE GRANDE INSTANCE) OF PARIS TO RULE ON INDEMIFICATION PROCEEDINGS.

IN PRACTICE PROCEEDINGS COULD BE BROUGHT AGAINST AN INSURANCE COMPANY.

4) ADMIT THAT LIABILITY PROCEEDINGS CAN BE INITIATED WITHIN 15 YEARS CALCULATED FROM THE DAY OF CONFIDENTIAL

CONFIDENTIAL

PAGE 03 PARIS 27808 01 OF 02 221952Z

THE ACCIDENT, OR WITH A LONGER DELAY IN THE EVENT THAT US LAW WOULD SO PERMIT. SUBJECT THAT, IN THE MEANTIME, ALL ACTIONS FOR RECOVERY OF NUCLEAR DAMAGES MUST BE INSTITUTED WITHIN A PERIOD OF THREE YEARS CALCULATED FROM THE DAY ON WHICH THE PLAINTIFF RECOGNIZES THAT THE DAMAGE ORIGINATED FROM A GIVEN NUCLEAR ACCIDENT. END TEXT

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

FRENCH TEXT WILL BE POUCHED DEPARTMENT.

3. IN EXPLAINING FRENCH NON-PAPER, DE LABOULAYE TOLD
DCM THAT GOF CONSIDERED THAT IT WOULD BE
POLITICALLY AND PRACTICALLY IMPOSSIBLE TO AMEND CURRENT
FRENCHLAWS.HOWEVER, HHE GOF IS PREPARED TO ADJUST
THE APPLICABLE DECREE, PROVIDED THAT THE US UNILATERAL-
LY SATISFIES FRENCH LEGISLATION. SUCH SATISFACTION
WOULD INCLUDE FORMAL GOVERNMENT GUARANTEE TO INDEMNIFY
TO TOTALITY OF ANY DAMAGES WITHOUT LIMIT. SUCH

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 PARIS 27808 02 OF 02 222009Z

73
ACTION PM-04

INFO OCT-01 EUR-12 ISO-00 CIAE-00 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 ERDA-05

ACDA-07 OMB-01 /072 W
---------- 019582
R 221900Z SEP 76
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 5262
INFO DIA WASHDC
USNMR SHAPE
USDOCOSOUTH
CTF SIX ZERO AT SEA
JCS WASHDC
USMISSION NATO
CNO WASHDC
CINCLANTFLT
CINCUSNAVEUR
SECDEF WASHDC
AMCONSUL NICE
AMCONSUL MARSEILLE

C O N F I D E N T I A L SECTION 2 OF 2 PARIS 27808

DAMAGES WOULD BE ASSESSED BY THE FRENCH JUDICIARY AS
INDICATED IN THE FRENCH NON-PAPER. THE 15 YEAR CLAIM
PERIOD WILL RUN FORM THE DATE OF THE NPW VISIT. THE

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

THREE YEAR LIMIT WITHIN WHICH PLAINTIFFS MUST FILE
AFTER DISCOVERING DAMAGES WOULD RUN OUT AT THE END OF
THE 15 YEAR.

4. DE LABOULAYE SAID THAT WHILE THE GOF WOULD PREFER
A BILATERAL AGREEMENT WITH THE US IT IS WILLING TO
EXPLORE MODIFICATION OF THE APPLICABLE DECREE DEPENDING
ON THE US RESPONSE TO THE GOF CONDITIONS. DE LABOULAYE
ADDED THAT THESE CONDITIONS AND INDEED THE FRENCH
INTENTION WAS TO REGULATE NPW PORT CALLS. GOF DOES NOT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PARIS 27808 02 OF 02 222009Z

CONTEMPLATE STATIONING OF US NPW'S IN FRANCE.

5. DCM INQUIRED AS TO TIME FRAME WHICH WOULD BE REQUIRED
BEFORE NPW VISITS COULD COMMENCE, SHOULD THE
USG ELECT TO MEET FRENCH CONDITIONS. DE LABOULAYE
ANSWERED THAT ONCE A NOTE IS RECEIVED FROM THE UNITED
STATES ACCEPTING THE FRANCH CONDITIONS, HE BELIEVED
THE GOF WOULD BE ABLE TO MOVE QUICKLY.

6. COMMENT: IT APPEARS TO US THAT GOF HAS MADE
SINCERE EFFORT TO AVOID NECESSITY OF NEGOTIATING
BILATERAL AGREEMENT. ONE READILY APPARENT ADVANTAGE
OF GOF POSITION IS THAT IT WILL AVOID A CONTENTIOUS
DEBATE IN NATIONAL ASSEMBLY ON AMENDMENT OF CURRENT
LAW. SUCH A DEBATE WOULD PLACE POTENTIALLY DAMAGING
SPOTLIGHT ON ENTIRE QUESTION OF USN VISITS AND IN
PARTICULAR NPW ISSUE.

PARAGRAPHS 1), A), B), AND C) OF FRANCH NON-PAPER
APPEAR TO BE BASED ON ARTICLES 5, 6, AND 7 OF FRANCH
LAW NO. 65-956 OF 12 NOVEMBER 1965 GOVERNING NUCLEAR-
POWERED WARSHIP VISITS. ARTICLE 14 OF THE SAME LAW
PROVIDES FOR RECOURSE TO THE "TRIBUNAL DE GRANDE
INSTANCE" AS DOES PARA 3 OF FRENCH NON-PAPER. THUS A
FIRST READING WOULD INDICATE THAT AVOIDING THAT
CONDITION WOULD REQUIRE A CHANGE IN THE FRANCH LAW,
THUS PUTTING THE ISSUE INTO THE NATIONAL ASSEMBLY,
WHICH WE DOUBT THE GOVERNMENT WANTS TO DO. THE 15 AND
3 YEAR TIME PROVISIONS APPEAR TO BE DRAWN FROM
ARTICLES 16 AND 17 OF THE FRANCH LAW. ARTICLE 22 CALLS
ON FOREIGN NAVIES TO MEET CONDITIONS "AT LEAST EQUAL"
TO THAT SPELLED OUT IN THE LAW.

DEPARTMENT WILL RECALL THAT JULY 1972 FRENCH
DRAFT BILATERAL AGREEMENT IN ARTICLE 10 PROPOSED A
MIXED US-FRENCH AND THIRD COUNTRY COMMISSION WHICH WOULD DECIDE
DISPUTES ARISING FROM DAMAGES.

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

WE WILL LEAVE TO WAHSINGTON THE JUDGMENT AS WHETHER USG WILL WISH TO MEET FRENCH CONDITIONS AS OUTLINED ABOVE. END COMMENT.
CONFIDENTIAL

CONFIDENTIAL

7. ACTION REQUESTED: WASHINGTON REVIEW OF GOF POSITION AND GUIDANCE ON WHICH EMBASSY WILL BASE A RESPONSE.
RUSH

CONFIDENTIAL

NNN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, FOREIGN POLICY POSITION, VISITS, NUCLEAR POWERED SHIPS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: BoyleJA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PARIS27808
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X3 IFY 12/31/96
Errors: N/A
Film Number: D760358-0185
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760932/aaaabbis.tel
Line Count: 237
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION PM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: BoyleJA
Review Comment: n/a
Review Content Flags:
Review Date: 23 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 APR 2004 by CollinP0>; APPROVED <11 AUG 2004 by BoyleJA>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FRENCH POSITION ON NUCLEAR POWERED WARSHIP (NPW) VISITS
TAGS: MARR, MNUC, FR, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006